

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of Steven M. Shei
Serial No. 10/611,295
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Patent No. 7,227,102
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For Food Warming Apparatus and Method

October 22, 2007

**TERMINAL DISCLAIMER TO OBLIGATE A
DOUBLE PATENTING REJECTION OVER A PRIOR PATENT**

TO THE COMMISSIONER FOR PATENTS,

SIR:

The owner, Duke Manufacturing Company, of 100 percent interest in the instant U.S. Patent No. 7,227,102 hereby disclaims, except as provided below, the terminal part of the statutory term of U.S. Patent No. 7,227,102, which would extend beyond the expiration date of the full statutory term of prior U.S. Patent No. 7,105,779 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that U.S. Patent No. 7,227,102 shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with U.S. Patent No. 7,227,102 and is binding upon grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of U.S. Patent No. 7,227,102 that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later: expires for failure to pay a maintenance fee; is held unenforceable; is

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Check either box 1 or 2 below, if appropriate.

1. For submission on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of organization.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

2. The undersigned is an attorney/agent of record.
Reg. No. 28,416

10/22/07
Date

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The Commissioner is hereby authorized to charge the fee for the Terminal disclaimer under 37 CFR 1.20(d) to Deposit Account No. 19-1345.

MEG/bcw